

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

JOHN BOSHEARS, on behalf of himself and all
others similarly situated,

Plaintiff,

vs.

PEOPLECONNECT, INC., a Delaware
corporation,

Defendant.

NO. 2:21-cv-01222-MJP

**DECLARATION OF BENJAMIN R.
OSBORN IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
MOTION TO COMPEL
ARBITRATION**

1 I, Benjamin R. Osborn, declare:

2 1. I am an attorney representing Plaintiff Boshear in this lawsuit.

3 2. As part of my investigation pursuant to Fed. R. Civ. P. 11 of Mr. Boshear's
4 claims, I created an account on www.classmates.com using the email address
5 "lobo_investigation1@yahoo.com". I gathered the screenshots and photographs that appear in
6 the Complaint using this account. *See* ECF No. 17.

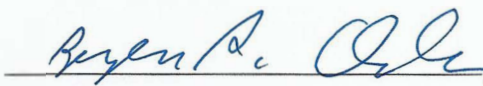
7 3. As specified in the Classmates Terms of Service, within 30 days of creating the
8 account, on October 28, 2021, I sent a letter to PeopleConnect, Inc. opting out of "Mandatory
9 Arbitration, Dispute Resolution and Class Action Waiver" provision in the Classmates Terms
10 of Service.

11 4. In my opt-out letter to PeopleConnect, Inc., I wrote that "I am opting out on
12 my own behalf and on behalf of anyone for whom I act as an agent, including clients I
13 represent in my capacity as an attorney." At the time I created the account and investigated Mr.
14 Boshear's claims, the Classmates.com Terms of Service explicitly allowed users to opt out of
15 the arbitration provision on behalf of others for whom the user is acting as an agent.

16 5. A true and correct photograph of the letter, which was taken on the day I sent it,
17 is included as Exhibit 1 to this Declaration.

18 I declare under penalty of perjury under the laws of the United States of America that
19 the foregoing information is true and correct, and is based on my knowledge, information, and
20 belief.

21
22 Executed on January 14, 2022.

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24
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26 Benjamin R. Osborn

CERTIFICATE OF SERVICE

I, Samuel J. Strauss, hereby certify that on January 14, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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Attorneys for Defendant

1 DATED this 14th day of January, 2022.

2 TURKE & STRAUSS LLP

3
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